United Nations A/HRC/36/NGO/12

General Assembly

Distr.: General
12 September 2017

English only

Human Rights Council
Thirty-sixth session
11-29 September 2017
Agenda item 3
Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Written statement* submitted by the Organization for Defending Victims of Violence, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[15 August 2017]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

Please recycle

Unilateral Coercive Measures and Human Rights

Unilateral Coercive Measures and Human Rights

Unilateral sanctions are deemed as unilateral coercive measures, the basic violation of fundamental rights of nations and violation of national governance. Unilateral coercive measures have turned into tools for changing political systems of the targeted governments.

Sanctions violate the basic right to development. Unilateral Coercive Measures (UCM) for violation of human rights and or a country's being politically against international norms, leave negative effects on the people.1

Unilateral Coercive Measures and the Right to Development

Unilateral Coercive Measures in general ignore nations' right to development.

"The right to development is a fundamental human right and the opportunity for development is an advantage for nations."

- Usually the aim of sanctions is to put pressure on governments to change political behaviour. But in practice it is the people who are affected by sanctions and they have no way of compensating the damages.
- According to economic experts, international trade plays an important role in the economy of each country, imports, exports or banking transactions.2 In countries targeted by sanctions raw materials, equipment and the SWIFT banking system are affected by sanctions.3 In other words, inflation is the certain outcome of sanctions.4
- Unilateral measures result in the economic rights of the people of a country to get violated, and the sanctions imposing country allows itself to freeze the assets of the country under sanction. Assets that at times are deemed as a part of the historic heritage of a nation.5
- Not only do these sanctions target the economy of countries, but they also have a very aggressive nature.
- Sanctions do not just concentrate on companies that support the target governments. A major part of these sanctions are not linked to security issues, because companies are prosecuted for even small transactions due to unintentional violation of sanctions.
- For example in the Islamic Republic of Iran sanctions, the insurance company GEICO was fined for accepting the insurance payment of a vehicle who's owner was in the list of individuals under sanction.
- In 2017, Amazon was under potential investigation for selling 300 dollars' worth of consumer goods to an Iranian.6
- In Iran according to Mr. Moosavian7 the author of the Iranian Nuclear Crisis, the sanctions strategy has slowed down the economic and industrial growth of the country, restricted foreign investment, weakened the Rial, sharply rose the inflation, and reduced oil and gas production and export. If the aim of the sanctions has been to hurt the people of Iran then this aim has been fulfilled. The sanctions have destroyed the middle class and the private sector has been side lined to the benefit of the government sector. Furthermore, sanctions have taken trade outside of the official banking system and pushed them towards underground networks.

---

1 https://www.nytimes.com/roomfordebate/2013/11/19/sanctions-successes-and-failures/in-iran-sanctions-hurt-the-wrong-people

2 https://www.criticalthreats.org/analysis/sanctions-on-iran-reactions-and-impact

3 http://www.worldbank.org/en/country/iran/publication/lifting-economic-sanctions-on-iran

4 https://www.cfr.org/interview/how-sanctions-affect-irans-economy

5 http://www.pbs.org/wgbh/pages/frontline/tehranbureau/2012/10/the-arts-sanctions-impact-on-cultural-heritage-iran-and-the-case-of-cuba.html

6 http://www.foxbusiness.com/markets/2017/07/31/amazon-under-investigation-for-potential-iran-sanction-violations.html

7 https://www.brookings.edu/book/the-iranian-nuclear-crisis/

- Targeted countries are forced to distance themselves from the market economy. In these countries there is money laundery because the country's banking systems are crippled due to the sanctions.8
- Most students and universities9 are threatened by the indirect repercussions of unilateral sanctions.10 There is a large number of Iranian students whose assets have been blocked by bans and or threatened by investigations and there are restrictions in continuing their education.11

- Some non-profit organizations are also investigated. For example in 2012, the Professional Tennis Association was forced to pay an approximate fine of 50,000 dollars for paying the fees of an Iranian umpire.

- Sanctions at times are imposed on the pretext of nuclear weapons and ballistic missiles, but in practice financial punishments have nothing to do with important security issues.
- In another instance of coercive measures the Standhill Scientific Company is being prosecuted for selling 6700 dollars' worth of medical equipment to Iran. The Bursler USA Company was also found guilty of selling 5000 dollars' worth of medical equipment to Iran.

- Most sanctions against Iran, are not limited to economic and military sanctions, and research and science are also included. For example in the world trade laws, supercomputers that are more powerful than 190 billion actions per second are deemed as strategic goods (and have the potential for simulated nuclear calculations), and therefore the sales of these supercomputers are included in the sanctions against countries such as Iran.

- In Iran the possibility of receiving software files from companies such as Adobe, AMD, NVIDIA, MATLAB, McAfee, Symantec and some Google, Microsoft, ESET and oracle services are not accessible by IP addresses in Iran, and as well as the blocking of the websites by these companies in Iran, some of these technological companies have shut their main servers on Iranians.

Unilateral Sanctions and Human Rights

Economic and social rights are prerequisite of civil and political rights and therefore the violation of the right to life, health, peace and development results in civil and political rights not to be realised. Most sanctions are imposed with the aim of the realisation of the First Generation of Human Rights (civil and political), such as the right to democracy.

Unilateral economic sanctions (such as the ones imposed by the United States against Iran), are contrary to the First Generation of Human Rights, because the right to free trade is one of people's civil rights.

Unilateral sanctions also are contrary to the Second Generation of Human Rights i.e. economic, social and cultural rights. Because the promotion of economic, cultural, social relations, fair employment opportunities and improvement of science and technology are some of the objectives of this Covenant.

Unilateral Measures are also contrary to the Third Generation of Human Rights, because they undermine the right to peace, self-determination and development due to the inclusion of political and foreign policies of the country under sanction.

Unilateral Coercive Measures and the Right to Peace

Unilateral sanction which target the government and its economic policies can be a threat to peace. Threats and pressure from a government to another government can become an excuse to start a war.

Unilateral Coercive Measures and the Right to Self-determination

Paragraph 1 and 3 of Article 21 of the Universal Declaration of Human Rights defines the right to self-determination on the basis of a free choice. Also Article 2 of the Declaration stresses on the right to self-

8 http://www.iar-gwu.org/node/428

9 http://www.newschoolfreepress.com/2013/11/25/the-price-of-sanctions-for-iranian-students-in-the-u-s/

10 https://www.theguardian.com/education/2014/jun/26/iran-students-kaplan-uk-stem-course-block-us-sanctions

11 http://wenr.wes.org/2017/02/educating-iran-demographics-massification-and-missed-opportunities

determination. Unilateral sanctions against governmental institutions of a country, are out of the framework of the Security Council whose duty is to preserve international peace and security and violate the principle of respecting the self-determination of nations in the UN Charter. With regards to the sanctions imposed by the United States, sanctions aim at changing the political system by toppling the legitimate government of Iran, as defined by Washington DC. And by targeting military ranks of Iran, America aims to overthrow a government that was legally voted for.

Unilateral Coercive Measures and the Right to Life

Unilateral coercive measures against governments are a violation of the right to life of citizens when unilateral sanctions are imposed by a superpower with a big and influential economy against another country, it affects the livelihood and daily lives of the people of that country too.12 Particularly in the event that the sanctions are extensive and violate the right to life of innocent citizens.13

Unilateral Coercive Measures and Right of Access to Information and Freedom of Expression

No individual or government can violate the right to education of individuals by imposing unjust restrictions.14 Restricting the people's access to knowledge, unilaterally by a country, violates the right of free access to information of states.15

Recommendations:

Being deeply concerned about the notorious effects of Unilateral Coercive Measures (UCM) and even targeted sanctions on the lives of vulnerable people, the Organization for Defending Victims of Violence (ODVV) calls on the HRC to create a database for all the people who are facing a breach of their human rights as a result of sanctions to enter their case into the database so that an accurate record of the violations is always available to the Council.

ODVV also calls on the Special Rapporteur on UCM to update the HRC on all cases of human rights violations caused by UCM round the world recorded in the database.

ODVV calls on the HRC Advisory Committee to study and develop a mechanism to encourage the sanctioning countries compensate for the loses of people who are victims of UCM - including those who have lost their lives; suffered lack of access to medicine; adequate medical care; or financial losses due to limitations in Banking transactions and/or money laundry and lack of access to education.

12https://www.researchgate.net/publication/249706403_Better_or_Worse_The_Effect_of_Economic_Sanctions_on_Human_Rights

13 https://www.nytimes.com/2017/07/25/world/europe/eu-uneasy-about-impact-of-new-us-sanctions-on-russia.html

14 http://www.ohchr.org/Documents/Events/Seminars/CoercitiveMeasures/DursunPeksen.pdf

15 http://www.i-p-o.org/farfer.htm